

National Park Service

U.S. Department of the Interior

**Cuyahoga Valley National Park
Ohio**



FINDING OF NO SIGNIFICANT IMPACT

***For the Plan of Operations to Drill and Produce Astorhurst #1, #2, #3D and Prinios #1 Wells
Environmental Assessment***

INTRODUCTION

On September 9th, 2008, M&M Royalty, Ltd. (M&M), acting in accordance with 36 CFR subsection 9.32(a), submitted to the National Park Service (NPS) a Plan of Operation to produce existing Astorhurst # 1 well and to drill and produce Astorhurst # 2, Astorhurst #3D and Prinios #1 wells from a surface location on Cuyahoga Valley National Park (the Park) in Cuyahoga County, Ohio. The proposed wells and their access would be located on the privately owned Astorhurst Golf Course and adjacent Prinios properties. On February 9th, 2009 the Superintendent determined that M&M's Plan of Operation contained the information required by 36 CFR § 9.36 and therefore was substantially complete, and the National Park Service (NPS) proceeded with its formal review.

As part of its analysis of M&M's plan of operations, the NPS prepared an environmental assessment (EA) for the Plan of Operations to Drill and Produce Astorhurst #1, #2, #3D and Prinios #1 Wells. The EA was available for public review from March 6, 2009 until August 9, 2009. The EA analyzed two alternatives: Alternative 1 – No Action and Alternative 2: Proposed Plan of Operations Alternative. Alternative 2 was determined to be the Preferred Alternative. The EA was prepared pursuant to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR 1500 et seq.), 42 U.S.C. 4332(2) (C), Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-making Handbook (2001) (DO-12).

Enabling Legislation. Cuyahoga Valley National Recreation Area was established by Public Law 93-555 on December 27, 1974 and was renamed Cuyahoga Valley National Park on October 11, 2000. The Park was created "for the purpose of preserving and protecting the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Recreation Area.... In the management of the recreation area, the Secretary of the Interior shall utilize the recreation area resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public."

Nonfederal Oil and Gas Rights Regulations, 36 C.F.R. Part 9B. Pursuant to section 3 of the NPS Organic Act and individual park statutes, the Secretary of the Interior promulgated regulations at 36 CFR Part 9, Subpart B ("9B regulations") in 1979. The 9B regulations apply to operations that require access on, across, or through federally owned or controlled lands or waters in connection with non-federally owned oil and gas in all National Park System units (36 CFR § 9.30(a)). The NPS is legally required to allow access to the minerals while applying resource protection requirements and ensuring adherence to federal and state regulations, policies, and guidelines. Each operator may conduct activities only under a Plan of Operation approved by the NPS. Once a Plan of Operation is approved, it serves as the operator's permit to operate in the park.

This document records: 1) a finding of no significant impact as per the National Environmental Policy Act of 1969; 2) a determination of no impairment as per the NPS Organic Act; and 3) a decision to conditionally approve the plan of operations as per 36 CFR 9.37(b)(2).

SELECTED ALTERNATIVE

Based on the analysis in the EA, the NPS has selected Alternative B, the Proposed Action as described in M&M's Plan of Operation, as the Selected Alternative. Under this Selected Alternative, the NPS will approve M&M's Plan of Operation to produce the existing Astorhurst #1 well and to drill and produce up to three new wells: Astorhurst #2, #3D and Prinios #1.

The Selected Alternative allows M&M to access and develop its legally recognized and protected oil and gas interests; at the same time, through the careful application of mitigation measures developed during the scoping and planning processes, it ensures protection of adjacent park resources and values. The Selected Alternative includes the following components:

Access. Access to the Astorhurst #1 well and proposed #3D will be via an existing 1400' long gravel maintenance yard driveway. A new gravel access road approximately 100' long and 14' wide will be built to access Astorhurst #2. The Prinios #1 well will be accessed from the main road by an existing paved driveway approximately 594' long. All vehicles used during construction, drilling, and production operations will enter the project area via the main Dunham Road.

Surface Location. The surface location of Astorhurst #2 is located 101' west of Dunham Road on the privately owned Astorhurst Golf Course. If drilled and produced the surface location for Astorhurst #3D well will be offset twenty-five feet from existing Astorhurst #1 well and directionally drilled to a bottom hole approximately 1500' from the surface location. The surface location for Prinios #1 is in a privately owned commercial parking lot at 6890 Dunham Road. The well locations were selected to take advantage of existing roads and to minimize surface disturbance on the golf course. During the drilling phase the size of the temporary well pad will be approximately 125' by 150'. The size of this temporary well pad would be significantly reduced once the well is placed into production.

Use of Water for Drilling. M&M proposes to transport water via tank truck for use in drilling operations. No water will be used from sources within NPS property.

Production Facility. Upon successful completion the Astorhurst #2 and #3D wells, will utilize the existing Astorhurst #1 tank battery facility located behind the golf course maintenance garage. The tank battery is 60' long and 30' wide and contains two 100 barrel (bbl) tanks, one 50 bbl dump tank and one horizontal separator. The tank battery facility is surrounded by a two

foot high impermeable earthen dike capable of holding a minimum of 1.5 times the volume of the largest tank. A similar tank battery facility would be constructed for the Prinios #1 well. If successful, production of these wells could continue for up to 20 years or more.

Flow line. All final production, handling, and sales metering facilities would be located at the existing Astorhurst #1 tank battery facility and at the new Prinios #1 tank battery facility. The natural gas for the Astorhurst wells will be carried by an existing two inch steel coated pipeline system with cathode protection from the well head to the tank battery to the existing sales pipe line system on Dunham Road. A new flow line will be constructed for Prinios #1. This flow line will extend from the Prinios tank battery to the existing sales pipeline located approximately 594' feet to the east of the well location.

Plugging and Reclamation Plan. M&M will plug the wells in accordance with the rules and regulations of the State of Ohio, Department of Natural Resources, Division of Minerals Management and National Park Service Standards. NPS plugging standards are defined in Chapter 7 of the *Operator's Handbook for Nonfederal Oil and Gas Development in Units of the National Park System, October 2006*. The NPS applies the plugging specifications of the Department of Interior's Onshore Order #2, Section III.G, Drilling Abandonment for isolation and protection of zones bearing usable quality water. The NPS is not responsible for protecting private mineral interests. Where plugs are set solely to protect nonfederal mineral resources such as oil, gas, coal, potash, etc., the NPS defers to the state requirements.

At the completion of production operations, the wells will be plugged, and all above ground structures, equipment, and other man-made debris resulting from operations would be removed; and any contaminating substances will be removed or neutralized [36 CFR 9.39(a)(2)]. The well head and new access road areas will be re-contoured as near as possible to the original contour. The existing gravel drives will remain as they are currently used for other activities. The re-contoured ground will be seeded with golf course turf grasses and maintained as golf course turf grasses.

MITIGATION

Under the selected alternative, the mitigation measures listed below are included in the Plan of Operations in order to reduce the impacts to park resources and values:

- Prepare and comply with a Spill Prevention Control and Countermeasure (SPCC) Plan as part of the Plan of Operations to describe actions to be performed in the event of an oil spill, brine spill, release of drilling fluids, blow-out, or release of any toxic substance. M&M will notify regulatory authorities within 24 hours in the event of a release or spill exceeding five barrels.
- Use existing access roads to minimize surface impacts. Site tank battery facilities in existing parking lots. Site well heads on existing turf grass golf course to avoid cutting trees/native vegetation.
- Offset Astorhurst #3D and directionally drill from existing well Astorhurst #1 to minimize surface disturbance and avoid additional placement of structures within the golf course.

- Establish compensatory royalty agreements (CRA) with Bureau of Land Management (BLM) to mitigate potential drainage of adjacent 5.5 acres of federal minerals.
- The Superintendent of Cuyahoga Valley National Park or his/her representative, shall have reasonable access to the operations as necessary to properly monitor and insure compliance with the conditions of the plan of operations under the provisions of 36 CFR § 9.37(f).
- The approval of the Plan of Operations will be conditioned upon the operator tendering a performance bond not to exceed \$200,000 for operations by a given operator within a unit of the National Park System. The regulations limit the liability amount for the operation of a single well to \$50,000.
- Use of in ground/lined pits and dispose of drilling muds and well cuttings off site. All mud, drill cuttings, produced water, etc. will be collected for disposal at state-approved disposal facilities outside of the park boundaries.
- A fenced, tank battery with a two foot high berm will be constructed and maintained to contain 1.5 times the volume of the largest tank in the event of a leak; a thick, protective liner will be placed beneath the tank battery facilities to prevent downward movement of fluids.
- Cathodic protection will be installed at each end of the proposed flow line.
- Signs will be posted at the entrance of the access road, on the well head, and on the tank battery giving operator name, lease name, well number and emergency numbers. M&M will station a supervisor on site to prevent unauthorized visitors from entering during drilling.
- The wells will be plugged in compliance with State of Ohio and NPS requirements. Final reclamation includes removal of access road(s) and all surface equipment. Disturbed areas will be re-contoured to as near as possible to the original contour and re-vegetated.

No additional mitigation measures were identified during the preparation of the environmental assessment, or during the public review and comment period and agency consultations.

OTHER ALTERNATIVES CONSIDERED

In addition to the Selected Alternative, the EA considered the no action alternative (Alternative A). Under NEPA, an agency analyzes the No Action Alternative to establish a baseline against which to compare the environmental consequences of the proposed action. Under Alternative A, the No Action Alternative, the existing Astorhurst # 1 well would continue to operate and the three new wells, Astorhurst #2, #3D and Prinios #1 would not be drilled.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Alternative A, No Action, is the environmentally preferable alternative. The environmentally preferable alternative is the alternative that best meets the national environmental policy expressed in Section 101 of the National Environmental Policy Act:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
5. Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Under Alternative A, No Action, up to three new wells would not be drilled, providing the greatest protection of area and park resources and values. Alternative A meets five of the six criteria (1 through 4, and 6).

Alternative B, Proposed Action (Plan of Operations), meets four of the six criteria (1, 2, 4, and 5), and was selected for implementation over the environmentally preferable alternative. The NPS Selected Alternative is Alternative B, Proposed Action (Plan of Operations), because M&M holds a valid oil and gas lease right which, if developed, will not result in an impairment of park resources and values. This alternative will fulfill park protection mandates while recognizing M&M's right to exercise its mineral interest. After consideration of public and agency comments throughout the scoping and planning process, careful review of potential resource and visitor impacts, and development of appropriate mitigation measures to protect resources, NPS determined that the Selected Alternative B best strikes a balance between resource protection and recognizing private minerals underlying Cuyahoga Valley National Park.

Impact Methodology. The National Environmental Policy Act of 1969 (NEPA), codified as amended primarily at 42 U.S.C. §§ 4321-4370f (2000), requires federal agencies to prepare what is known as an environmental impact statement (EIS) for "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. subsection 4332(2) (C). Agencies generally prepare an environmental assessment in order to determine whether a particular proposal will have significant effects and therefore will require the preparation of an EIS. The Council on Environmental Quality (CEQ) has promulgated government-wide regulations implementing NEPA, codified at 40 C.F.R. Parts 1500-1517.

In the EA, the NPS took a "hard look" by considering the direct, indirect, and cumulative impacts (effects) of the proposed action on the environment, along with connected, cumulative, and similar actions. Impacts were described in terms of context and duration. The context or extent of the impact was described as localized (affecting the project area but not extending

beyond 400 feet from the well/production pad or 100 feet from the access roads and flowline corridor) or widespread (extending beyond 400 feet from the well/production pad or 100 feet from the access roads and flowline corridor). The duration of impacts was described as short-term, ranging from days to three years in duration, or long-term, extending up to 20 years or longer. Generally, short-term impacts applied to construction or drilling activities, and long-term impacts applied to roads, production operations, and flowlines. The intensity and type of impact was described as negligible, minor, moderate, or major, and as beneficial or adverse. The NPS equates “major” effects as “significant” effects. The identification of “major” effects would trigger the need for an environmental impact statement (EIS). Where the intensity of an impact could be described quantitatively, the numerical data was presented. Most impact analyses were qualitative. The use of the four impact intensity levels and their respective impact threshold definitions also provides a “hard look” to NPS decision makers and enables them to evaluate the impacts in an objective fashion.

The NPS defines “measurable” impacts as moderate or greater effects. It equates “no measurable effects” as minor or less effects. “No measurable effect” is used by the NPS in determining if a categorical exclusion applies or if impact topics may be dismissed from further evaluation in an EA or EIS. The use of “no measurable effects” in the EA pertained to whether the NPS dismissed an impact topic from further evaluation in the EA. The reason the NPS uses “no measurable effects” to determine whether impact topics are dismissed from further evaluation is to concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail as required by Council on Environmental regulations at 40 CFR § 1500.1(b).

Section 1.4 of the EA, Issues and Impact Topics Eliminated from Further Analysis, provides a limited evaluation and explanation as to why some impact topics are not evaluated further in the EA because the particular resource is not found in the analysis area; there will be no effect from the proposal; or through the application of mitigation measures, there will be minor or less effects from the proposal, and there is little controversy on the subject or reason to otherwise include the topic. Due to the low intensity of effects, the contribution towards cumulative effects is low. There is no impairment analyses included in the limited evaluations because the NPS’s threshold for considering whether there could be impairment is based on “major” effects.

Resources and concerns dismissed from further evaluation in Section 1 of the EA included: Water Resources, Wetlands, Floodplains, Vegetation, Special Status Species, Wildlife, Air Quality, Archaeological Resources, Cultural Landscape, Lightscape Management, Socioeconomics, Environmental Justice, Prime and Unique Farmlands, Indian Trust Resources, Natural Soundscapes, Catastrophic Incidents, including Well Blowouts, Well Fires or Major Spills and Human Health and Safety.

Through the scoping process, the interdisciplinary team decided to carry the following topics through for analysis in Section 3 of the EA because these resources are located in the analysis area and could have measurable effects, meaning moderate or greater intensity impacts as a result of implementation of the proposal: geology and soils, and visitor use and experience.

The impact analyses in Section 3 of the EA also included a finding on whether or not the actions contained in the alternatives would impair park resources. For all of the park resources evaluated in Section 3 of the EA, there were no major effects identified; therefore, the impairment findings concluded there would be no impairment from implementation of the Selected Alternative.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Below is a summary of the potential beneficial and adverse effects on the resources and values, and other concerns analyzed in Section 3 of the EA.

Geology and Soils. Up to three new wells would be drilled resulting in the short term disturbance to geology and soils. Surface disturbance would temporarily impact up to 1.4 acres of private property adjacent to NPS property. No surface disturbance of NPS property would occur. If the wells are not placed into production, the 1.4 acres will be reclaimed. If the wells are placed in production, the pad will be reduced and continued use of the site for production operations will result in localized, long-term, minor adverse impacts on geology and soils,

Compensatory Royalty Agreements (CRA) would be established between the operator and the Bureau of Land Management for the potential drainage of 5.5 acres of federal minerals on adjacent NPS tracts. This agreement is entered into with the parties who may be draining the unleased lands and ensures compensation to the federal government for drainage of federal minerals but does not provide any right of access on the federal land for conduct of operations associated with a production unit.

Visitor Use and Experience. Up to three new wells would be drilled and may be produced, resulting in short-term interruption of golfing activities, and long term occupancy by oil and gas development on 1.4 acres on private property. Localized, short to long-term, negligible to minor, direct and indirect, adverse impacts, on visitor use and experience on the golf course may occur.

M&M's vehicle access, project construction and drilling and producing the wells would result in localized, short to long term negligible to minor, direct and indirect, adverse impacts on golf course visitor use and experience. Primary park visitor use areas are located over 1 ½ miles away from the project area.

The potential for leaks and spills exists during all phases of oil and gas operations, resulting in impacts that could be serious on a much localized level, with negligible to moderate, short-term adverse impacts on visitor use and experience. However, mitigation measures, including selecting a proposed operations area located away from visitor use developments and recreational use areas, providing security during the drilling operations to prevent unauthorized entry into the operations area, and fencing the production operations, will result in avoiding or minimizing impacts on visitor use and experience.

The degree to which the action affects public health or safety.

Mitigation measures, including selecting a proposed operations area away from heavy visitor use areas, providing security and installing a gate during the drilling operations to prevent unauthorized entry into the operations area will result in minimizing impacts on human health and safety. Because the likelihood of substances such as hydrogen sulfide gas being present in the project area is extremely low, it is not expected that drilling the new wells would affect public health or safety of visitors.

Catastrophic Incidents, such as Well Blowouts, Well Fires and Major Spills. The NPS recognizes that unplanned incidents associated with oil and gas operations such as well blowouts, fires, and major spills within the boundaries of Cuyahoga Valley National Park present a risk of damage to park resources and values. However, the rates of incidence for such incidents are low and are not a reasonable expectation of project implementation. If such an incident did occur, required mitigation measures listed in the EA would result in lessening the potential for spilled substances or a well fire to spread into the Park, and for timely response and cleanup so that there is a reasonable expectation that the natural environment could be reclaimed or would otherwise recover over time so that impairment would not occur.

Based on the past 20 years of data from the counties in and around the project area, there would be a low potential for a catastrophic incident, including well blowouts, well fires, or major spills. A well “blowout” means the uncontrolled escape of formation fluids (water/brine, gas, oil) from a well. Given present day technology, a well blowout is extremely rare. According to the state inspectors there have been no blowouts associated with oil and gas wells in Summit and Cuyahoga Counties for the last twenty years and three fires (two human caused and one lightning strike).

Any operator of oil and gas operations that could reasonably be expected to discharge oil in harmful quantities, as defined in 40 CFR 110.3, into navigable waters, as defined in 40 CFR 110.1, is required to have a Spill Prevention Control and Countermeasure Plan as per 40 CFR Part 112. Due to these requirements, in the rare event of a major spill consisting of five or more barrels of oil (200 gallons), the spill would be rapidly contained and removed, so that impacts are short-lived and limited to the immediate area of operations. In the rare event that spilled substances from a well blowout or major spill would be transported onto adjacent park property, or a well fire would spread onto park property, the NPS would seek damages and restoration costs under the Park System Resources Protection Act, 16 U.S.C. § 19jj (2005).

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Park’s Section 106 coordinator, in consultation with Cultural Resource Specialists determined that there were no historic properties located with the area of potential affects. A determination of “no potential historic properties affected” was issued on September 9, 2008.

The project area is within the range of the federally endangered Indiana bat. Based on previous surveys within the park and no trees proposed to be cut, USFWS concurred with the NPS determination via comments dated April 4, 2009 that the project was not likely to adversely affect the Indiana bat.

There are no prime farmlands or wild and scenic rivers within the project area.

Degree to which effects on the quality of the human environment are likely to be highly controversial.

Implementation of the project will not result in controversial effects on the human environment. No public comments were received that indicated otherwise.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

There are no identified risks associated with the selected alternative that are unique or unknown, and there are no effects associated with the selected alternative that are highly uncertain that were identified during the analysis for the EA or during the public review of the EA.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Selected Alternative (Plan of Operations) does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. If the wells are successful, it may encourage additional oil and gas drilling to develop mineral interests within the Park and adjacent areas. However, the NPS will evaluate each proposal to drill within the Park; will consider the cumulative impacts of each proposal; and, before approving any proposal, will apply appropriate mitigation measures to reduce or avoid any significant effects. The NPS has considered the cumulative effects of future oil and gas activity in the EA.

This action is not precedent setting because oil and gas development at Cuyahoga Valley National Park is provided for and contemplated in both statute and regulations, and is not an unusual or an unexpected occurrence.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Oil and gas exploration and development will continue within and adjacent to Cuyahoga Valley National Park regardless of whether NPS approves this proposal. Adherence to Federal, State, and local laws and regulations, and mitigation measures by oil and gas operators will reduce potential cumulative impacts below the threshold of significance.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Park's Section 106 coordinator, in consultation with Cultural Resource Specialists determined that there were no historic properties located within the area of potential affects. A determination of "No Adverse Effect" on cultural properties within or adjacent to the project area was issued on September 9, 2008. Therefore, the NPS has completed consultation required by § 106 of the National Historic Preservation Act of 1966.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

The project area is within the range of the federally endangered Indiana bat. There are no suitable bat roosting trees within the immediate project area and no trees are proposed to be cut and removed. Based on previous surveys and no proposed removal of trees the USFWS concurred with the determination that the project was not likely to adversely affect the Indiana bat. The Selected Alternative will not adversely affect any federally listed species.

Whether the action threatens a violation of Federal, State, or local environmental protection law.

This action violates no Federal, State or local environmental protection laws.

PUBLIC INVOLVEMENT

External scoping was conducted with Federal, State and local agencies, along with solicitation for public comment in the region surrounding CVNP. A request for public comment and project description was posted on the park's Planning, Environment and Public Comment (PEPC) website at <http://parkplanning.nps.gov> from August 26, 2008 through October 3, 2008. A press release was also issued to local newspapers.

The Plan of Operations and accompanying EA was made available for public review and comment from March 5 – August 9, 2009. The NPS also announced the availability of the documents for the 30-day public review and comment period by publishing a notice of availability in the Federal Register on July 10, 2009. A press release was issued and copies of the review documents were made available at Park Headquarters, and the documents were available on the NPS Planning, Environment and Public Comment (PEPC) website. One comment was received.

IMPAIRMENT

In analyzing impairments in conjunction with the NEPA analysis for this project the NPS takes into account the fact that if an impairment were likely to occur, by operation of the CEQ's regulations at 40 CFR, such impacts would be considered to be major or significant. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note, "Not all major or significant impacts under a NEPA analysis are impairments. However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation." ("Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources" National Park Service, Natural Resource Program Center, July 2003).

In addition to reviewing the definition of "significantly" under the NEPA regulations, the NPS has determined that implementation of the selected alternative would not constitute an impairment to the integrity of Cuyahoga Valley National Park's resources or values as described by NPS Management Policies NPS 2006 §1.4. This conclusion is based on the NPS's analysis of the environmental impacts of the proposed action as described in the EA identified less than major adverse impacts on geology and soils and visitor use and experience. This conclusion is further based on the superintendent's professional judgment, as guided and informed by the park's General Management Plan (1977) and the regulations found at 36 CFR Part 9, Subpart B.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). Implementation of the selected alternative would not have significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally

adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no unmitigated adverse impacts to public health; public safety; threatened or endangered species; historical sites or districts listed, or eligible for listing, in the National Register of Historic Places; known ethnographic resources; or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, major cumulative effects, or elements of precedence were identified. Implementation of the action would not violate any Federal, State, or local environmental protection law.

Based on the foregoing, the NPS has determined that the project does not constitute a major federal action significantly affecting the quality of the human environment and that NEPA therefore would not require the preparation of an EIS.

36 CFR 9B Decision. As per 36 C.F.R. § 9.37(b) (2), I hereby conditionally approve the plan of operations, subject to M&M Royalty Ltd. tendering a \$200,000 performance bond to the Superintendent as per 36 C.F.R. § 9.48 to bond against the estimated cost to plug the well and reclaim the operations areas as per 36 C.F.R. § 9.39(a) and (a) (2), in addition to the liability imposed by 36 C.F.R. § 9.51(a). The approved plan will serve as M&M's permit to access the Park and conduct the operation.

Recommended:


Paul J. Stoehr

Acting Superintendent, Cuyahoga Valley NP


Date

Approved:


David N. Given

Deputy Regional Director, Midwest Region


Date